

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION**

**UNITED STATES OF AMERICA**

Case No. 5:93CR30025

**OPINION AND ORDER**

v.

**MARK ANTHONY DAVIS,**

By: James P. Jones

Chief United States District Judge

Defendant.

*C. Patrick Hogeboom, III, Assistant United States Attorney, Roanoke, Virginia,  
for United States; Mark Anthony Davis, Pro Se Defendant.*

By Order of March 20, 2008, the defendant was granted a reduction in sentence pursuant to 18 U.S.C.A. § 3582(c)(2) (West 2000). His sentence, imposed in 1994 following his conviction for conspiracy to possess with intent to distribute crack cocaine, was reduced from 300 months imprisonment to 241 months.

The defendant has now filed a Motion for Clarification of Sentencing, seeking to have the court order the Bureau of Prisons to credit him with time served in a state facility while charges were pending in this case.

By statute, the Bureau of Prisons calculates a prisoner's release date, including good time and prior custody credits toward the sentence. *See* 18 U.S.C.A. § 3585 (West 2000). Any judicial review of the computation of credit against a sentence must be made, not by the sentencing court, but by habeas petition in the district where

the inmate is confined. *United States v. Miller*, 871 F.2d 488, 489-90 (4th Cir. 1989). The defendant is not confined in this district, therefore judicial review of the calculation of his sentence is not available in this court. It is the court's understanding that the defendant is presently incarcerated at Federal Correctional Institute Coleman Low, which is located in the Middle District of Florida. If the defendant believes that his sentence has been calculated improperly, his remedy is a habeas petition to that court.

For these reasons, it is ORDERED that the Motion for Clarification of Sentence (Doc. # 192) is DENIED.

Enter: June 23, 2008

/S/ JAMES P. JONES  
Chief United States District Judge